IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ORIGINATING SUMMONS NO. 1573 OF 1997

IN

SUIT NO. 4074 OF 1997

Burzor Rustum Joshi .... Plaintiff.

vs.

Rustum B. Joshi

& Ors. .... Defendants.

Mr. S. Nagvedaria i/by Mehta & Co.

for plaintiff.

Mr. A.B. Datar for Applicant.

CORAM : S.U.CAMERA, J.

DATE : 22nd MARCH, 2005.

P.C.

. The learned counsel for the plaintiffs seeks leave to withdraw the originating summons as well as the suit because the issues raised herein are already determined by the Charity Commissioner and an appeal therefrom is pending under the Bombay Public Trusts Act before the Principal Judge of the City Civil Court. In view thereof, according to the parties the present originating summons and the suit does not survive. The same are therefore dismissed

as withdrawn.